

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION 2014-0052**

ADOPTING AN EMERGENCY REGULATION AMENDING WATER RIGHTS AND  
FEDERAL ENERGY REGULATORY COMMISSION RELATED WATER QUALITY  
CERTIFICATION FEE SCHEDULES IN TITLE 23, DIVISION 3, CHAPTER 5,  
SECTIONS 1062, 1064, 1066 AND CHAPTER 28, ARTICLE 1, SECTION 3833.1 OF  
THE CALIFORNIA CODE OF REGULATIONS.

WHEREAS:

1. Pursuant to Water Code section 1058, the State Water Resources Control Board (State Water Board) has the authority to adopt regulations to carry out its powers and duties under the Water Code.
2. The Water Code further delegates authority to the State Water Board to adopt emergency regulations establishing and revising fees to be deposited in the Water Rights Fund in the State Treasury. (Wat. Code, §§ 1525, 1530, 1551, 13160.1.) The emergency regulations may include provisions concerning the administration and collection of the fees.
3. The State Water Board must set a fee schedule that will generate revenues necessary to conform to the amounts appropriated by the Legislature for specified regulatory activities. (See Cal. Code Regs., tit. 23, § 1525, subd. (d)(3).)
4. The Budget Act of 2014 delegates to the Department of Finance the authority to make specified adjustments to the amounts appropriated by the Legislature. The State Water Board has considered the anticipated adjustments that the Department of Finance will make under its delegated authority in determining the amount of fee revenues, consistent with amounts appropriated by the Legislature, that are required to support the water right program.
5. State Water Board staff prepared recommended revisions to the State Water Board's water right and Federal Energy Regulatory Commission project-related water quality certification fee regulations in accordance with the Water Code and the fee revenue requirements as appropriated by the Legislature.
6. The water right fee regulations and schedules will be contained in title 23, division 3, chapter 5 (commencing with, section 1062) and the Federal Energy Regulatory Commission project-related water quality certification fee regulations and schedules will be contained in chapter 28 article 1, section 3833.1 of the California Code of Regulations.
7. This [emergency regulation](#) will take effect upon filing with the Secretary of State.

THEREFORE BE IT RESOLVED THAT:

The State Water Board adopts an emergency regulation revising title 23, division 3, chapter 5, sections 1062, 1064, 1066 and chapter 28, article 1, section 3833.1 of the California Code of Regulations as recommended by staff.

### **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 23, 2014.

AYE: Chair Felicia Marcus  
Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc  
Board Member Steven Moore  
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board